

**REMARKS**

Claims 1-13, 15, 16, 18-25, 27-33, 35-41 and 43-45 are pending. Claims 1, 20, 28, 36 and 44 are amended solely to make clerical corrections. Applicant respectfully requests favorable reconsideration and allowance of this application in view of the above amendments and the following remarks.

**Introduction**

This Response addresses the following:

**Rejection under 35 USC 102(e)**

Claim 1 – Discussion

Copperman

First Difference

Second Difference

Third Difference

Fourth Difference - Independent claims 22, 30, 38; dependent claim 12

**Dependent Claims – Generally****Dependent claims 20, 28, 36, 44 – Additional Differences****Rejection under 35 USC 102(e)**

Claims 1-13, 15, 16, 18-25, 27-33, 35-41 and 43-45 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent Pub. No. 2004/0024739 to Copperman (“Copperman”). The claims are not amended to address the amendment, because the claims are believed to be patentable. Applicant respectfully traverses the rejection for reasons including the following, which are provided by way of example.

**Claim 1 - Discussion**

At least the following elements (recited in claim 1, for example) are clearly lacking in Copperman:

- “accepting a user’s selection of a plurality of attributes to be associated with a single pre-determined attribute type for the at least one document, the attribute type having parent and child attribute types, the selected attributes being predetermined and having different parent attributes, attribute types being predetermined and ordered in a predetermined tree-structure hierarchy.”
- “automatically tagging … the documents … with the selected attributes, and with all attributes of all ancestors but not descendants or siblings according to the hierarchy of the selected attributes.”
- “wherein the attribute and the attribute type are different from the fields in the document and contents of the fields.”

Thus, in an example operation, a pre-determined tree structure can be set up for attribute types, e.g., “company, division, technology type, product;” and a hierarchy can be set up for the predetermined attributes, e.g., an attribute type of “company” can take “ABC Corp.” or “XYZ Corp”; the attribute “ABC Corp” can have a child attribute of “Electrical Division” or “Medical Division”; the attribute “Electrical Division” can have a child attribute of “copier technology” or “printer technology” or “facsimile technology. The “copier technology” can have a child attribute of “Model 123” or “Model 123B”; and so on. (See discussion on page 60 of the specification.) A dye patent might be associated with product type of clothing, food, and hair care, each of which are a different technology type and might be in a different division of a company. (E.g., page 53.) In operation of such a system, for example, the user can cause patents to be tagged as technology type: “organic dye” (with division types Clothing, and Food Products) and “natural dye” (with division type “Cosmetics Division”), and with each technology type further having its own product type. Because of both the attribute type tree and

the attribute hierarchy, the user can search for patents tagged as having the attribute “ABC Corp.” without searching for “organic dye,” which will nevertheless locate the patents which have plural technical uses without replicating the patents in the search.

### **Copperman**

Copperman is cited as teaching each and every element recited in all of the claims. Copperman discloses that documents are transformed into a structured record, terms are extracted, a taxonomy is assigned, and an algorithm is used to determine relatedness between list of terms and taxonomies. (Abstract).

The examiner’s rejection of independent claims 1, 22, 30 and 38 fails to specify with particularity where the reference teaches the recited element. “When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable.” 37 CFR 1.104(c)(2). This the examiner has not done. Accordingly, it is not understood what part of Copperman the examiner is relying on as, e.g., the recited “plurality of attributes to be associated with a single pre-determined attribute type.” The following summarizes the examiner’s application of Copperman to some elements of claim 1, AS BEST UNDERSTOOD:

	<b>Copperman</b>
Selected plurality of attributes having different parent attributes to be associated with a single pre-determined attribute type	taxonomy and concept nodes [0054]
Document	Knowledge container (20)
Attribute type with parent and child attribute types	Elements within each knowledge container
Selected plurality of attributes having different parent attributes	FIG. 4 (example of a taxonomy)
Tagging documents with the selected attributes and ancestors but not descendants or siblings, ... the attribute and the attribute type are different from the fields in the document and contents of the fields	Auto contextualization [0048], [0059]-[0061]

### First Difference

The examiner considers that Copperman's autocontextualization teaches or suggests "tagging documents with selected attributes and ancestors but not descendants or siblings." Copperman discloses auto contextualization in which "the text content of knowledge containers is marked to indicate certain specific kinds of features" ([0048]; see FIG. 2, e.g., "marked content" (70)). This fails to teach or suggest "a plurality of attributes to be associated with a single pre-determined attribute type" as recited in claim 1.

### Second Difference

Moreover, to the contrary of claim 1, in Copperman, the autocontextualized attribute and attribute type (text content of the container) are not "different from the fields in the document and the content of the fields," since the attribute and/or attribute type are a field in the document and/or are the content of the fields ("the text content of knowledge containers is marked to indicate certain specific kinds of features" ([0048])). To the contrary, Copperman uses the text content of the container in the auto-contextualization, that is, Copperman marks up text in the document.

### Third Difference

Finally, Copperman fails to teach or suggest "automatically tagging ... the documents ... with the selected attributes, and with all attributes of all ancestors but not descendants or siblings according to the hierarchy of the selected attributes." To the contrary, Copperman tags the document with a single node but not the parent, since tagging the document as claimed would make it impossible for Copperman to use the "taxonomic distance" ("the distance between concept nodes as defined by such a function. One such function weights the distance from a parent concept node to its child differently from the distance from the child to the parent")

[0062]). In other words, in operation, a user of Copperman's taxonomy system might assign a patent as "copier technology" but it is not automatically tagged with the attribute "Electrical Division" or "ABC Corp."; hence, Copperman's taxonomy system would not return the copier technology patent in response to a search for "ABC Corp." because it is too distant from the parent.

Accordingly, because Copperman fails to teach or suggest each and every element recited in independent claims 1, 22, 30 and 38, the rejection of the independent claims must be withdrawn.

Fourth Difference - Independent claims 22, 30, 38; dependent claim 12

Dependent claim 22 recites that "the documents include: an invention disclosure document, a patent document, a trademark document, a copyright document, a product description document, a contract document, a license document, a sui generis protection document, a design registration document, a trade secret document, and an opinion document." Independent claim 22 recites that "the at least one document and the at least one other document are representative of at least one of: an invention disclosure document, a patent document, a trademark document, a copyright document, a product description document, a contract document, a license document, a sui generis protection document, a design registration document, a trade secret document, and an opinion document." (See also independent claims 30 and 38.) The examiner cites Copperman, paragraphs [0059]-[0061]<sup>1</sup> as being most relevant. Paragraph [0060]-[0061] state:

"Show documents which (a) mention software companies and (b) talk about intellectual property protection."

Here, ... (b) would be fulfilled by looking at or near the topic of "intellectual property protection" in the legal issues topic taxonomy.

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<sup>1</sup> The office action states [00611] which is interpreted to mean [0061] instead.

MPEP § 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)” (emphasis added). “The identical invention must be shown in **as complete detail** as is contained in the ... claim.’ *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)” (emphasis added). In the present case, the Office Action has not established that each element of claim 12 or claim 22 is disclosed in Copperman, which merely mentions documents which “talk about intellectual property protection”. Furthermore, there is no reasoning as to why Copperman’s document which talks about intellectual property protection must be any of the denominated documents of claim 22, let alone all of the documents of claim 12. (See also claims 30, 38 and 12.)

For these additional reasons, it is respectfully submitted that the rejection of independent claims 22, 30, 38 and dependent claim 12 under 35 USC 102(e) must be withdrawn.

### **Dependent Claims - Generally**

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claims 1, 22, 30 and 38, but also because of additional features they recite in combination.

### **Dependent claims 20, 28, 36, 44 – Additional Differences**

Claim 20 depends from dependent claim 19. Claim 19 recites “further comprising utilizing the attributes as criteria for at least one of searching, retrieving, reporting and viewing the at least one document.” Claim 20 then recites that “the attributes can be utilized in combination with: (i) at least one of the attribute types, (ii) at least one sub-type of the at least one attribute type, (iii) a content of at least one field in the at least one document; (iv) a type of at

least one field in the at least one document; and (v) information derived from the at least one field in the at least one document.” The office action generally cites paragraph [0156], lines 3-5: “A search engine is a program that searches a document collection and returns documents in response to a query.” A detailed review of the cited portion of Copperman reveals that it is completely devoid of the specifics of claims 19 and 20, and accordingly Copperman fails to anticipate at least claim 20.

Claims 28, 36 and 44 include the same recitations as claim 20. The rejections of claims 28, 36 and 44 in the office action merely refer back to the rejection of claim 20. Accordingly, claims 28, 36 and 44 are allowable over the references.

### **Conclusion**

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicant has provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

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